

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL ROOSEVELT JONES,

Petitioner,

v.

PEOPLE OF THE STATE OF MICHIGAN,

Respondent.

Case No. 13-cv-11543

HONORABLE PAUL D. BORMAN

ORDER DENYING APPLICATION FOR CERTIFICATE OF APPEALABILITY

This is a habeas corpus action filed by a state prisoner under 28 U.S.C. §2254. The Court summarily dismissed the petition for writ of habeas corpus because the petition failed to state a cognizable claim for habeas relief. Petitioner has filed a notice of appeal of the Court's order of summary dismissal. This matter is before the Court on petitioner's application for a certificate of appealability.

An appeal may not be taken from a final order denying a state prisoner's habeas corpus petition unless the prisoner obtains a certificate of appealability. 28 U.S.C. §2253(c)(1)(A). In order to obtain a certificate of appealability, a prisoner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a court denies habeas relief on the merits, a prisoner makes a substantial showing of the denial of a constitutional right if he demonstrates that reasonable jurists would find the court's assessment of the claim debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Having reviewed the matter, the Court concludes that petitioner is not entitled to a certificate of appealability from the summary dismissal of his petition because petitioner has failed to

demonstrate that jurists of reason would find it debatable that the petition failed to state a cognizable claim for habeas relief.

Accordingly, the Court DENIES petitioner's application for a certificate of appealability [Dkt. 11].

IT IS SO ORDERED

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: August 21, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 21, 2013.

s/Deborah Tofil
Case Manager